

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE
(REV. 12-2004)TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

RLL-299US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/533246

INTERNATIONAL APPLICATION NO.
PCT/IB2003/004845INTERNATIONAL FILING DATE
30 October 2003PRIORITY DATE CLAIMED
31 October 2002

TITLE OF INVENTION

AMORPHOUS MOXIFLOXACIN HYDROCHLORIDE

APPLICANT(S) FOR DO/EO/US

BISWAS et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. The US has been elected (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. A **FIRST** preliminary amendment.
16. A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. A substitute specification.
18. A power of attorney and/or change of address letter.
19. A computer-readable form of the sequence listing in accordance with PCT Rule 13^{ter}.2 and 37 CFR 1.821 - 1.825.
20. A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. Express Mail Label No. EV 674777195US
23. Other items or information:

Return Postcard

Certificate of Express Mailing

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) 10/533246		INTERNATIONAL APPLICATION NO. PCT/IB2003/004845		ATTORNEY'S DOCKET NUMBER RLL-299US																																					
24. The following fees are submitted: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input checked="" type="checkbox"/> a) Basic national fee</td> <td style="width: 50%; text-align: right;">\$300.00</td> </tr> <tr> <td><input checked="" type="checkbox"/> b) Examination fee</td> <td style="text-align: right;">\$200.00</td> </tr> <tr> <td><input checked="" type="checkbox"/> c) Search fee</td> <td style="text-align: right;">\$500.00</td> </tr> <tr> <td colspan="2" style="text-align: center;">TOTAL OF ABOVE CALCULATIONS =</td> </tr> <tr> <td colspan="2" style="text-align: right;">\$1000.00</td> </tr> </table>						<input checked="" type="checkbox"/> a) Basic national fee	\$300.00	<input checked="" type="checkbox"/> b) Examination fee	\$200.00	<input checked="" type="checkbox"/> c) Search fee	\$500.00	TOTAL OF ABOVE CALCULATIONS =		\$1000.00																											
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<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.																																									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Total Sheets</th> <th>Extra Sheets</th> <th colspan="2">Number of each additional 50 or fraction thereof (round up to a whole)</th> <th colspan="2">RATE</th> </tr> <tr> <td>14 - 100 =</td> <td>-86 /50 =</td> <td colspan="2">0</td> <td colspan="2" style="text-align: right;">x \$250.00</td> </tr> </table>						Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)		RATE		14 - 100 =	-86 /50 =	0		x \$250.00																									
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14 - 100 =	-86 /50 =	0		x \$250.00																																					
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).																																									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th colspan="3">RATE</th> </tr> <tr> <td>Total claims</td> <td>21 - 20 =</td> <td>1</td> <td colspan="3" style="text-align: right;">x \$50.00</td> </tr> <tr> <td>Independent claims</td> <td>3 - 3 =</td> <td>0</td> <td colspan="3" style="text-align: right;">x \$200.00</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIMS (if applicable)</td> <td colspan="3" style="text-align: right;"><input type="checkbox"/> + \$360.00</td> </tr> <tr> <td colspan="6" style="text-align: center;">TOTAL OF ABOVE CALCULATIONS =</td> </tr> <tr> <td colspan="6" style="text-align: right;">\$1,050.00</td> </tr> </table>						CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			Total claims	21 - 20 =	1	x \$50.00			Independent claims	3 - 3 =	0	x \$200.00			MULTIPLE DEPENDENT CLAIMS (if applicable)			<input type="checkbox"/> + \$360.00			TOTAL OF ABOVE CALCULATIONS =						\$1,050.00					
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Total claims	21 - 20 =	1	x \$50.00																																						
Independent claims	3 - 3 =	0	x \$200.00																																						
MULTIPLE DEPENDENT CLAIMS (if applicable)			<input type="checkbox"/> + \$360.00																																						
TOTAL OF ABOVE CALCULATIONS =																																									
\$1,050.00																																									
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.																																									
SUBTOTAL =																																									
<input type="checkbox"/> Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).																																									
TOTAL NATIONAL FEE =																																									
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + \$0.00																																									
TOTAL FEES ENCLOSED =																																									
\$1,050.00																																									
Amount to be refunded:																																									
\$0.00																																									
Amount to be charged:																																									
\$1,050.00																																									
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.																																									
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 50-0912 in the amount of \$1,050.00 to cover the above fees. A duplicate copy of this sheet is _____.																																									
c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0912 . A duplicate copy of this sheet is enclosed.																																									
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.																																									
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.																																									
SEND ALL CORRESPONDENCE TO:																																									
Jayadeep R. Deshmukh, Esq.																																									
Reg. No. 34,507																																									
Customer No. 26815																																									
 SIGNATURE																																									
William D. Hare																																									
NAME																																									
44,739																																									
REGISTRATION NUMBER																																									

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): BISWAS *et al.*
International Application No.: PCT/IB2003/004845
International Filing Date: 30 October 2003
Title: AMORPHOUS MOXIFLOXACIN HYDROCHLORIDE

CERTIFICATE OF EXPRESS MAILING

I hereby certify that the following correspondence:

- Transmittal Letter to the US DO/EO Concerning a Filing Under 35 USC 371
- Unexecuted Combined Declaration and Power of Attorney
- Copy of the International Search Report
- Copy of the International Preliminary Examination Report
- Postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 29, 2005.

Michelle Morgan
(Name of Person Mailing Correspondence)

Michelle Morgan
(Signature)

EV 674777195 US

(Express Mail Mailing Label Number)
Adjustment Date: 08/22/2005 WALVARAD
05/06/2005 SMAJARRO 00000071 500912 10533246
03 FC:1632 500.00 CR

EV674777195US

FEE PAYMENT ACCOUNTABILITY	
BENEFICIARY ACCOUNT NO. 500912	
Fee Date	Value Received
1632 500	10533246
1642 400	

08/22/2005 WALVARAD 00000003 500912 10533246
Sale Ref: 00000004 DA#: 500912 10533246
01 FC:1642 400.00 DA